

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**UNITED STATES POSTAL SERVICE**

**and**

**Case 18-CA-285074**

**AMERICAN POSTAL WORKERS UNION, AFL-CIO,  
MILWAUKEE AREA LOCAL #3**

**DECISION AND ORDER**

Statement of the Case

On March 15, 2022, the United States Postal Service (the Respondent); American Postal Workers Union, AFL-CIO, Milwaukee Area Local #3 (Charging Party); and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to Board approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

**Findings of Fact**

1. The Respondent's business

The Respondent provides postal services for the United States and operates various facilities throughout the United States in performing that function, including its processing and distribution center on St. Paul Avenue in downtown Milwaukee, Wisconsin. The Board has jurisdiction over the Respondent and this matter by virtue of Section 1209 of the Postal Reorganization Act (PRA), 39 U.S.C. § 101 et seq.

2. The labor organization involved

American Postal Workers Union, AFL-CIO, Milwaukee Area Local #3 (Charging Party) is a labor organization within the meaning of Section 2(5) of the National Labor Relations Act (the Act).

3. The appropriate unit

(a) The following employees of the Respondent (the unit) constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All Maintenance Employees, Motor Vehicle Employees, Postal Clerks, Mail Equipment Shops Employees, Material Distribution Centers Employees, and Operating Services and Facilities Services Employees, excluding all managerial and supervisory personnel, professional employees; employees engaged in personnel work in other than a purely non-confidential clerical capacity; security guards, Postal Inspection Service employees, Rural Letter Carriers, Mail Handlers, or Letter Carriers.

(b) Since about 1971 and at all material times, the Respondent has recognized the American Postal Workers Union, AFL-CIO, as the exclusive collective-bargaining representative of the unit. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which was effective from September 21, 2018 to September 20, 2021.

(c) At all times since 1971, based on Section 9(a) of the Act, the American Postal Workers Union, AFL-CIO, has been the exclusive collective-bargaining representative of the unit.

(d) At all material times, the Charging Party has been the duly designated agent of the American Postal Workers Union, AFL-CIO, for dealing with the Respondent in matters relating to the recognition and administration of the collective-bargaining agreement, at the Respondent's Milwaukee-area facilities.

## **ORDER**

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, the National Labor Relations Board orders that:

The Respondent, United States Postal Service, Milwaukee, Wisconsin, its officers, agents, successors, and assigns, shall

1. Cease and desist from

(a) Threatening employees that the Respondent would not settle employee grievances without discipline because they joined or supported the Charging Party or any

other organization, filed grievances, and/or filed charges with the National Labor Relations Board (NLRB).

(b) Interfering, or attempting to interfere, in the settlement of unit employees' grievances, in order to discourage membership in the Charging Party or in any other labor organization and/or to discourage employees from engaging in union and other protected concerted activities.

(c) Interfering, or attempting to interfere, in the settlement of unit employees' grievances, in order to discourage employees from filing charges or giving testimony under the National Labor Relations Act ("the Act").

(d) Refusing to bargain collectively and in good faith with the Charging Party as the exclusive representative of all Maintenance Employees, Motor Vehicle Employees, Postal Clerks, Mail Equipment Shops Employees, Material Distribution Centers Employees, and Operating Services and Facilities Services Employees, excluding all managerial and supervisory personnel; professional employees, employees engaged in personnel work in other than a purely non-confidential clerical capacity; security guards, Postal Inspection Service employees, Rural Letter Carriers, Mail Handlers, or Letter Carriers.

(e) In any like or related manner interfering with, restraining, or coercing its employees in the exercise of their right to self-organization, to form labor organizations, to join or assist the Charging Party or any other labor organization, to bargain collectively through representatives of their own choosing and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, or to refrain from any and all such activities.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) Within 14 days of service by the Region, post at its processing and distribution center in downtown Milwaukee, Wisconsin, copies of the attached notice marked "Appendix." Copies of the notice, on forms provided by Region 18, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, the Respondent shall distribute notices electronically, by email, posting on an intranet or internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced or covered by any other material.

(b) Within 14 days of service by the Region, distribute the notice to its managers and supervisors at the downtown Milwaukee processing and distribution center.

(c) Within 60 days of service of the Board's Order, the Respondent will conduct a training session via Zoom for the plant manager and other supervisors and managers in the downtown Milwaukee processing and distribution center, which shall cover employees' rights

under the Act. The Respondent will provide Region 18 of the NLRB with a copy of the training materials.

(d) Within 21 days after service by the Region, filed with the Regional Director for Region 18 a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

Dated, Washington, D.C., May 25, 2022

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| John F. Ring, | Member |
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| Gwynne A. Wilcox, | Member |
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| David M. Prouty, | Member |
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(SEAL)

**NATIONAL LABOR RELATIONS BOARD**

## **APPENDIX**

### **NOTICE TO EMPLOYEES POSTED BY ORDER OF THE NATIONAL LABOR RELATIONS BOARD An Agency of the United States Government**

#### **PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER AND A CONSENT JUDGMENT OF ANY APPROPRIATE UNITED STATES COURT OF APPEALS**

#### **FEDERAL LAW GIVES YOU THE RIGHT TO:**

Form, join, or assist a union;  
Choose representatives to bargain with us on your behalf;  
Act together with other employees for your benefit and protection;  
Choose not to engage in any of these protected activities.

**AMERICAN POSTAL WORKERS UNION, ALF-CIO, MILWAUKEE AREA LOCAL #3**  
("Union") is the employees' representative in dealing with us regarding wages, hours and other working conditions of the employees in the following unit at our Milwaukee area facilities:

All Maintenance Employees, Motor Vehicle Employees, Postal Clerks, Mail Equipment Shops Employees, Material Distribution Centers Employees, and Operating Services and Facilities Services Employees, excluding all managerial and supervisory personnel; professional employees, employees engaged in personnel work in other than a purely non-confidential clerical capacity; security guards, Postal Inspection Service employees, Rural Letter Carriers, Mail Handlers, or Letter Carriers.

**WE WILL NOT** threaten employees that we will not settle employee grievances without discipline because they joined or supported a Union, filed grievances, and/or filed charges with the National Labor Relations Board.

**WE WILL NOT** interfere, or attempt to interfere, in the settlement of unit employees' grievances, in order to discourage membership in the Union or any union; in order to discourage employees from engaging in union and other protected concerted activities; or in order to discourage employees from filing charges or giving testimony under the National Labor Relations Act ("the Act").

**WE WILL NOT** refuse to bargain collectively with the Union as the exclusive representative of the employees in the unit by interfering in the grievance procedure.

**WE WILL NOT** in any like or related manner interfere with your rights under Section 7 of the Act.

**WE WILL**, upon request, bargain in good faith with the Union as the representative of the unit, including in the processing of grievances.

#### **UNITED STATES POSTAL SERVICE**

The Board's decision can be found at [www.nlrb.gov/case/18-CA-285074](http://www.nlrb.gov/case/18-CA-285074) or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

